

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA §
VS. § CASE NO.: 4:24-CR-371-32
MAR'QUALE GOSTON §

MOTION FOR RELEASE AFTER RE-ARRAIGNMENT AND TO SET CONDITIONS OF RELEASE

TO THE HONORABLE JUDGE LEE H. ROSENTHAL:

COMES NOW, MAR'QUALE GOSTON, hereinafter referred to as Defendant, by and through his counsel of record, Joel H. Bennett, and files this Motion for Pretrial Release After re-arrangement and to set Conditions of Release and would respectfully show unto the Court the following:

Defendant MAR'QUALE GOSTON was first placed in federal custody on this matter on September 1, 2024. He has been in continuous custody since that point, giving him over 12 months credit towards any potential sentence. The Government and Defendant have reached an agreement to plea on this case and Defendant is currently set for re-arrangement tomorrow afternoon.

The key points to the plea agreement are that the Government and Defense agreed to the loss range of \$6,500 or less, which adds zero (0) points to the initial offense level. Additionally, the Government will recommend a minor role reduction due to Defendant actions, or lack of actions, in this case. This would produce a minus two points of the offense level. With his acceptance of responsibility (and additional minus two points), Counsel for Defendant believes that the final offense level under these facts would be three (3). With a level VI (6) criminal history category, the projected Sentencing Guideline range would be 3-9 months. As part of the plea agreement, the Government would not oppose a sentence at the low end of the guideline range.

Defendant has already served over twelve months of incarceration on this case. Therefore, Defendant moves that he be released from incarceration pending formal sentencing in this matter.

The Government has indicated that they are requesting conditions of release include home confinement and a third party custodian. Defendant would recommend that he be released to the location to which he has already been paroled by the Texas Department of Criminal Justice.

Wherefore defendant MAR'QUALE GOSTON requests the Court to order his release on a set of conditions or combination of conditions to ensure that he will not be a flight risk nor a danger to the community.

Respectfully submitted,

SEARS, BENNETT, & GERDES, LLP

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ATTORNEY FOR MAR'QUALE GOSTON

CERTIFICATE OF CONFERENCE

Counsel for Defendant has conferred with Michael Day, Counsel for the United States Attorney's Office for the Southern District, and he has unopposed to this motion.

Joel H. Bennett

Joel H. Bennett

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Pretrial Release and to Set Conditions of Release After Re-arraignment has been served on all parties via the Federal E-File system on this the 4th day of September, 2025.

Joel H. Bennett

Joel H. Bennett

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**ORDER ON DEFENDANT'S MOTION FOR RELEASE AFTER RE-ARRAIGNMENT
AND TO SET CONDITIONS OF RELEASE**

On this day, the Court considered Defendant's, MAR'QUALE GOSTON, Motion for Pretrial Release and to set Conditions of Release and after considering the motion, the court hereby:

GRANTS the Motion with the conditions as set by the Court; or

DENIES the motion, to which Defendant excepts.

SIGNED: _____, 2025.

JUDGE PRESIDING